

In a sincere effort to avoid the objections to the claims raised by the Examiner at page 2 of the Official Action, certain amendments have been effected in the claims. Thus, claim 16 is amended in order to more clearly define the mixture of acid-insoluble collagen-fractions which make up such mixture. The Examiner has, of course, objected to the claims on the basis that the specific molecular weight is not set forth. Applicant respectfully requests that the Examiner reconsider and withdraw this objection. As the Examiner will certainly appreciate, the invention here relates to a collagen preparation that is formed, on the one hand, by a structure-stabilizing high-molecular weight collagen and, on the other hand, by attackable collagen portions of a lower molecular weight. It is believed by the Applicants that for the skilled artisan it is clearly apparent from the description of the invention as a whole that the invention does not relate specifically to the mentioned values of meaning molecular weight but to the mixture of a structure-stabilizing collagen with a release-controlling portion having swellability and degradation properties. Thus, one skilled in the art would readily be enabled to practice the invention based upon the disclosure of the application and Applicant should not be required to set forth the specific mean molecular weight values set forth in the specification which, as the Examiner will appreciate, are merely illustrative and not exhaustive of the subject matter of the invention.

It is believed that upon reconsideration the Examiner will find that the objections formerly raised in respect to claim 16 are not now valid.

Claim 17 has been amended to delete the term "different" and to specify "a plurality of" active substances. It is this embodiment of the present invention to which this claim is directed.

Claim 18 is amended to adopt the suggestion of the Examiner set forth on page 2 of the recent Official Action.

Applicant does note, in this respect, that it is his belief that there is no substantial difference between the claim as previously written and the claim as now amended.

In claim 21, the term "small" has been deleted in order to avoid the Examiner's objection.

A minor clarification amendment is effected in claim 22. With this change it is believed that the use of the term "different" is proper.

In claim 25, the term "influence and" has been deleted and it is believed that this will obviate the Examiner's objection. Additional amendments are effected in claim 25 in order to accord with the language now employed in claim 16 from which this claim is ultimately dependent.

In claim 26 an amendment has been effected in order to obviate the Examiner's objection as set forth on page 2 of the recent Official Action.

In view of all of the foregoing amendments, Applicants respectfully submit that each of the objections raised by the Examiner in the recent Official Action has now been overcome and the Examiner is requested to now reconsider and withdraw the rejection of claims 16 to 30 as failing to adequately define the invention under the provisions of 35 U.S.C. 112.

The claims stand rejected as lacking patentability under the provisions of 35 U.S.C. 103 over Luck et al. in view of Wallace et al.. This ground of rejection is deemed to be untenable and is thus respectfully traversed.

Applicant respectfully submits that it cannot properly be said that the subject matter of the claims of the present application would be obvious to one of ordinary skill in the art within the meaning of 35 U.S.C. 103 based upon the teachings of these

references. The Examiner is referred to the arguments previously presented by Applicant in the response of October 27, 1997 at pages 7 and 8.

The present invention is clearly different from the content of the Luck et al. and Wallace et al. patents and is not in any way rendered obvious by the teachings of these references.

In neither of these patent specifications is there any information whatsoever pointing toward the useful combination of different collagen fractions as are provided according to the present invention. Furthermore, even the methods for obtaining collagen preparations as known from these references are clearly different from that of the present invention.

The Examiner is respectfully requested to now reconsider and withdraw this ground of rejection.

In view of all of the foregoing amendments and remarks, Applicants respectfully submit that each of the grounds of rejection set forth against the present application has been overcome and that the application is now in condition for allowance; such allowance is solicited.

Respectfully submitted,

MICHAEL ROREGER

By 
JOHN T. MILLER
Registration No. 21120

JTM/vca
Washington, D.C.
Telephone (202) 721-8200
June 9, 1998